

Richard Usher – Bail Terms Agreement

As Revised July 12, 2017

1. The purpose of this agreement is to memorialize the understanding between the U.S. Department of Justice, Antitrust Division (“United States”) and Richard Usher (“Defendant”) concerning his release on bail in the case entitled United States v. Usher, et al., No. 17-cr-19 (RMB), pending in the United States District Court for the Southern District of New York. The United States and Defendant acknowledge that this agreement is not binding on the Court or Pretrial Services, which may order or require additional or different terms for Defendant’s release on bail.
2. Three business days prior to his initial appearance before the Court, Defendant will execute the attached Affidavit and provide a copy to counsel for the United States.
3. The United States and Defendant will jointly recommend to the Court that it release Defendant on a \$650,000 bond with \$130,000 cash paid as security, as directed by the Court.
4. Defendant must submit to supervision by and obey all directives of the United States District Court Pretrial Services Office (“Pretrial Services”) for the Southern District of New York (“the District”).
5. Defendant may not travel outside the United Kingdom other than to travel to the United States for an appearance before the Court in the above-referenced case. Upon return to the United Kingdom after any appearance before the Court, Defendant must surrender his passport to the U.S. Embassy in London.
6. Defendant must appear personally before the Court for an initial appearance, arraignment, trial, and at any other time as required by the Court. If convicted, Defendant must surrender as directed by the Court. If, while the Defendant is within the District, any personal appearance before the Court by the Defendant is required within 40 days, Defendant must make arrangements to stay within the United States in the interim under the supervision of Pretrial Services.
7. Defendant must return to the District at least 30 days before trial and, upon arrival, surrender his passport to Pretrial Services.
8. Defendant must notify the New York Office of the Antitrust Division of any change in his residence or telephone number. Defendant may not move his residence from the United Kingdom without prior permission from the Court.
9. Defendant must not violate any federal, state, or local law.
10. The United States agrees not to move the Court for a stay of Defendant’s case such that Defendant’s trial would be delayed indefinitely until the final resolution on the merits of

any request to extradite one or both of Defendant's co-defendants from the United Kingdom. The Antitrust Division may move the Court for a stay on any other grounds, including to consolidate trial schedules for any co-defendant who has consented to appear in the U.S. without extradition, consented to extradition, or waived extradition.

11. The United States agrees that, as of the date of final agreement to these terms, it will not seek to add any charges or counts against Defendant based on the conduct currently alleged in the indictment in the case referenced above ("Indictment") or based on the foreign exchange trading undertaken by the Defendant at JPMorgan Chase & Co. and The Royal Bank of Scotland PLC. The United States remains free to seek additional charges or a superseding indictment for any other reason, including but not limited to, to add charges relating to obstructive conduct in connection with the investigation or prosecution of the conduct alleged in the Indictment, or to supplement, modify, or refine the allegations charging the conspiracy in violation of Section 1 of the Sherman Act contained in the Indictment.

AGREED:

FOR RICHARD USHER:

Date: 7/12/17

By:



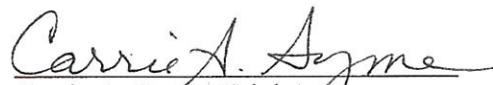
Michael Kendall
Andrew Tomback
Yakov Malkiel
White & Case LLP
Attorneys for Richard Usher

FOR THE DEPARTMENT OF JUSTICE, ANTITRUST DIVISION:

JEFFREY D. MARTINO
Chief, New York Office
Antitrust Division
United States Department of Justice

Date: 07/12/17

By:


Carrie A. Syme, Trial Attorney
David Chu, Trial Attorney
Leah Gould, Trial Attorney
Bryan Serino, Trial Attorney